

ROSELLI GRIEGEL LOZIER & LAZZARO, PC
 Mark M. Roselli, Esquire
 1337 State Highway 33
 Hamilton Square, New Jersey 08690
 (609) 586-2257

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY	
(IN RE BAYSIDE STATE PRISON LITIGATION)	Civil Action No. 1:08- CV-3334 09-3343
EDWARD NIEDERMAIER	SPECIAL MASTER PROCEEDING
Plaintiff,	
v.	
WILLIAM H. FAUVER, et al.,	ORDER
Defendants.	

THIS MATTER having been brought before the Court upon Complaint of the Plaintiff, with the matter having initially been scheduled to be presented before the Special Master, Hon. John on Monday, September 28, 2009, with counsel for both parties appearing before the Court on that date; and

WHEREAS, the Plaintiff in the above-captioned matter failed to appear before the Court on said date, but represented to the Special Master, through counsel, the reason for his failure to appear, as stated on the record on September 25, 2009; and

WHEREAS, the Special Master determined that based upon the representation of Plaintiff, through his counsel, ordered that the Plaintiff would be required to appear in person on Monday, October 26, 2009 at 9:30 a.m. to explain to the Special Master the reason why he failed to appear on September 25, 2009 and to have his case heard on that

date if the Special Master accepted the Plaintiff's reasoning for failing to appear on September 25, 2009; and

WHEREAS, the Special Master further ordered that Plaintiff's case would be heard on October 26, 2009 and that if the Plaintiff failed to appear on that date, his claim would be dismissed; and

WHEREAS, plaintiff's counsel represented to the Special Master that the Plaintiff was advised that he was required to appear before the Special Master at 9:30 a.m. on Monday, October 26, 2009; and

WHEREAS, on Monday, October 26, 2009, the Plaintiff failed to appear or otherwise advise the Special Master or his counsel why he could not be in attendance; and

WHEREAS, based upon the record of September 26, 2009 and the fact that the Plaintiff failed to appear to have his case heard before the Special Master on Monday, October 26, 2009, the Special Master recommended to the District Court that the claims of the Plaintiff, Edward Niedermaier, be dismissed with prejudice, as more fully stated on the record.

NOW THEREFORE, IT IS ON THIS 27th DAY OF October
ORDERED that pursuant to the recommendations of the Special Master as stated hereinabove, the complaint and allegations brought before the Court by the Plaintiff, Edward Neidermaier, in the above-captioned matter are hereby dismissed with prejudice.



HON. ROBERT B. KUGLER, U.S.D.J.